

E-Filed 4/26/16

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALBERTO LAINEZ, et al.,  
Plaintiffs,  
v.  
CITY OF SALINAS, et al.,  
Defendants.

Case No. 14-cv-04311-EJD (HRL)

**INTERIM ORDER ON DISCOVERY  
DISPUTE JOINT REPORT 3**

Re: Dkt. No. 42

Plaintiffs filed Discovery Dispute Joint Report 3 (“DDJR 3”) unilaterally. Plaintiffs assert in DDJR 3 that Dr. Venus Azar (“Azar”) deliberately evaded process servers and that Azar, once finally served with a deposition subpoena as the result of a “full blown stakeout” around her home, stated through a “representative” that she refused to attend the noticed deposition. Dkt. No. 42 at 3. Plaintiffs therefore request in DDJR 3 that the court order Azar to appear for her deposition and that Azar pay the costs that were incurred when she impeded, delayed, and frustrated their attempts to depose her.


Azar responded with a letter that asserts: (1) she is “rarely home” because she works long hours and she frequently travels out of town; (2) she was not deliberately attempting to “impede, delay or frustrate” Plaintiffs’ attempts to depose her; (3) she does not intend to violate the subpoena; and (4) she did not tell anyone to communicate any intention to violate the subpoena. Dkt. No. 44. Plaintiffs’ counsel did not respond to Azar’s letter. Azar filed a second letter that asserts she attended her deposition and that Plaintiffs’ counsel no longer seeks to recover costs from her. Dkt. No. 48.

If Plaintiffs contest the assertions in Azar’s second letter, they shall file a response no later than April 29, 2016. If Plaintiffs file no response by that deadline, the court shall deny as moot

1 Plaintiffs' request for relief in DDJR 3.

2 **IT IS SO ORDERED.**

3 Dated: 4/26/16

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HOWARD R. LLOYD  
United States Magistrate Judge

United States District Court  
Northern District of California